

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

LAJUAN HAYES,

Plaintiff,

v.

ANNE L. PRECYTHE, et al.

Defendants.

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No. 4:23-CV-889-SPM

MEMORANDUM AND ORDER

This matter is before the Court upon review of the file. On July 10, 2023, fourteen inmates incarcerated at the Missouri Eastern Correctional Center (“MECC”) filed a “class action” lawsuit pursuant to 42 U.S.C. § 1983. The complaint asserted claims against prison officials on behalf of a group of inmates as a whole. LaJuan Hayes was listed as a plaintiff in the action, but he did not sign the complaint and did not pay the required filing fee or file a motion for leave to proceed in forma pauperis.


This action was opened after Hayes was severed from the originating action. In a Memorandum and Order entered on July 31, 2023, Hayes was given the opportunity to file a signed amended complaint to assert his own claims for relief. He was also directed to either pay the required filing fee, or file a motion for leave to proceed in forma pauperis. The Memorandum and Order clearly explained how to prepare the amended complaint, and cautioned Hayes that his failure to comply would result in the dismissal of this action, without prejudice and without further notice.

Hayes’s response was due on August 30, 2023. To date, however, he has not complied with the July 31, 2023 Memorandum and Order, or sought additional time to do so. Hayes was

given meaningful notice of what was expected, cautioned that this action would be dismissed if he failed to timely comply, and given additional time to comply. Therefore, this action will be dismissed without prejudice due to Hayes's failure to comply with the Court's July 31, 2023 Memorandum and Order and his failure to prosecute this case. *See* Fed. R. Civ. P. 41(b); *see also Brown v. Frey*, 806 F.2d 801, 803 (8th Cir. 1986) ("A district court has the power under Fed. R. Civ. P. 41(b) to dismiss an action for the plaintiff's failure to comply with any court order[.]").

Accordingly,

IT IS HEREBY ORDERED that this case is **DISMISSED** without prejudice. A separate order of dismissal will be entered herewith.



RONNIE L. WHITE
UNITED STATES DISTRICT JUDGE

Dated this 13th day of September, 2023.